



RECEIVED

MAR 04 2004

DACH

PTO/SB/64 (08-03)

## OFFICE OF PETITIONS

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)Docket Number (Optional)  
2026-00400

First named inventor: Rama Akella

Application No.: 10/027,015

Art Unit: 3763

Filed: December 12, 2001

Examiner:

Title: Compositions and Methods for Promoting Myocardial and Peripheral Angiogenesis

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

 Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. Other than small entity - fee \$ 1,330.00 (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of Response to Notice of Missing Parts (identify type of reply):  
 has been filed previously on July 2, 2002, copy enclosed.  
 is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.

 has been paid previously on \_\_\_\_\_.  
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

03/03/2004 00:00:00 03/03/2004 00:00:00 03/27/2015 10027015

01 FC:1453 1330.00 DA

## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

February 25, 2004

Date

Telephone  
Number: (713) 238-8000


Signature

Marcella D. Watkins

Typed or printed name

P. O. Box 3267

Address

Houston, TX 77253-3267

Address

Enclosures:  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: Copy of Response to File Missing Parts of Nonprovisional, *Declaration of Amy Lewis.*

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

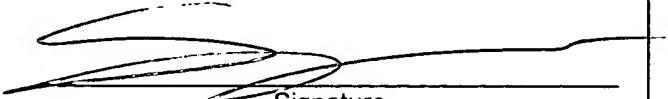
I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

February 25, 2004

Date



Signature

Sandra K. Begley

Type or printed name of person signing certificate



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	Rama Akella et al.	§	ART UNIT:	3763
SERIAL NO.:	10/027,015	§		
FILED:	December 21, 2001	§		
FOR:	Compositions and Methods for Promoting Myocardial and Peripheral Angiogenesis	§		

RECEIVED

MAR 04 2004

OFFICE OF PETITIONS

DECLARATION OF AMY LEWISAtty Docket No. SBI-094  
Date: February 17, 2004

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned, Amy Lewis, declares:

that she affixed proper postage on a First Class mail package containing the following: a *Response to Notice to File Missing Parts of Application* Filing Date Granted (PTO-1533) (3 p.); a *Declaration* for Patent Application signed by John Ranieri (2 p.); and a *Declaration* for Patent Application signed by Rama Akella (2 p.) and placed the package in the mail receptacle Tuesday, July 2, 2002, prior to the time for the last pickup of mail, that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Amy Lewis

Date: February 17, 2004

TO THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Please stamp and return to our office. Thank you.

Mailed: July 2, 2002  
My File: SBI-091  
Applicant: Akella et al  
Filing Date: 12/21/2001  
Serial No.: 10/027,015  
Title: COMPOSITIONS AND METHODS FOR  
PROMOTING MYOCARDIAL AND PERIPHERAL  
ANGIOGENESIS

Enclosed: Response to Missing Parts Dated February 14, 2002, 2-  
Month Extension of Time, Executed Assignment and  
Declaration, and Recordation.

**COPY**

Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(LargeEntity)

Docket No.  
SBI-091

In Re Application Of: Akella, et al.

RECEIVED

MAR 04 2004

Serial No.  
10/027,015

Filing Date  
12/21/2001

Examiner **OFFICE OF PETITIONS**  
Group Art Unit  
3763

Invention:

**COMPOSITIONS AND METHODS FOR PROMOTING MYOCARDIAL AND PERIPHERAL ANGIOGENESIS**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on

2/14/2002

Date

Enclosed herewith for filing are the following:

- A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- Other (list):

Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Large Entity)

Docket No.  
SBI-091

In Re Application Of: Akella, et al.

FEB 27 2004

Serial No.  
10/027,015

Filing Date  
12/21/2001

Examiner

Group Art Unit  
3763

Invention:

COMPOSITIONS AND METHODS FOR PROMOTING MYOCARDIAL AND PERIPHERAL ANGIOGENESIS

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

Completion of application fees as calculated below:

Utility application filing fee \_\_\_\_\_

Design application filing fee \_\_\_\_\_

Total number of independent claims = \_\_\_\_\_

Total number of claims = \_\_\_\_\_

Multiple dependent claims \_\_\_\_\_

Surcharge for late payment of filing fee and/or late filing of original declaration or oath **\$130.00**

Petition and fee for filing by other than all the inventors or a person not the inventor \_\_\_\_\_

Fee for processing an application filed with a non-English language specification \_\_\_\_\_

Fee for processing and retention of application \_\_\_\_\_

Total completion of application fees **\$130.00**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

One month  Two months  Three months  Four months  Five months

from: 4/15/2002 *Date* until: 7/15/2002 *Date*

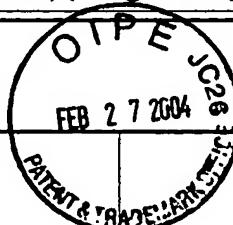
Total time extension fees **\$920.00**

Total fees due **\$1,050.00**

Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Large Entity)

Docket No.  
SBI-091

In Re Application Of: Akella, et al.



Serial No.  
10/027,015

Filing Date  
12/21/2001

Examiner

Group Art Unit  
3763

Invention:

COMPOSITIONS AND METHODS FOR PROMOTING MYOCARDIAL AND PERIPHERAL ANGIOGENESIS

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

The fee of \$1,050.00 is to be paid as follows:

- A check in the amount of the fee is enclosed.
- The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 09-0473  
A duplicate copy of this sheet is enclosed.
- If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.  
A duplicate copy of this sheet is enclosed.



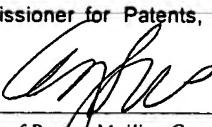
Signature

Timothy L. Scott  
Reg. No. 37,931  
Centerpulse USA Inc.  
3 East Greenway Plaza, Suite 1600  
Houston, Texas 77046

Phone: 713/561-6374  
Fax: 713/561-6380

Dated: July 2, 2002

I certify that this document and fee is being deposited on July 2, 2002 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



Signature of Person Mailing Correspondence

Amy Lewis

Typed or Printed Name of Person Mailing Correspondence

cc:

**DECLARATION FOR PATENT APPLICATION**



As one of the below named inventor(s), I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe the named inventor(s) to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **COMPOSITIONS AND METHODS FOR PROMOTING MYOCARDIAL AND PERIPHERAL ANGIOGENESIS**, (Atty. Docket # **SBI-091**), the specification of which is attached hereto.

I believe I am a joint inventor of the subject matter claimed.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, SEC. 1.56(a).

I hereby appoint the following attorney(s) to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith, with power of substitution:

David S. Wise, Reg. No. 30,511  
Kenneth S. Barrow, Reg. No. 36,085  
Timothy L. Scott, Reg. No. 37,931  
Christopher R. Kirby, Reg. No. 39,249  
Philip S. Lyren, Reg. No. 40,709

Address all correspondence and telephone calls to:

Timothy L. Scott, Senior Intellectual Property Counsel  
CENTERPULSE USA INC.  
3 East Greenway Plaza, Suite 1600  
Houston, Texas 77046  
(713) 561-6374  
FAX (713) 561-6380

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.

2

DECLARATION SIGNATURE SHEET

---

Date

Citizenship: USA

Inventor's Signature

Rama Akella

Residence: 8811 Splitarrow Drive  
Austin, Texas 78717

5/31/02

Date

Citizenship: USA

---



Inventor's Signature

John Ranieri

Residence: 156 Westminster Drive  
Atlanta, Georgia 30308

---

**DECLARATION FOR PATENT APPLICATION**

As one of the below named inventor(s), I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe the named inventor(s) to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled: COMPOSITIONS AND METHODS FOR PROMOTING MYOCARDIAL AND PERIPHERAL ANGIOGENESIS, (Atty. Docket # SBI-091), the specification of which is attached hereto.

I believe I am a joint inventor of the subject matter claimed.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, SEC. 1.56(a).

I hereby appoint the following attorney(s) to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith, with power of substitution:

David S. Wise, Reg. No. 30,511  
Kenneth S. Barrow, Reg. No. 36,085  
Timothy L. Scott, Reg. No. 37,931  
Christopher R. Kirby, Reg. No. 39,249  
Philip S. Lyren, Reg. No. 40,709

Address all correspondence and telephone calls to:

Timothy L. Scott, Senior Intellectual Property Counsel  
CENTERPULSE USA INC.  
3 East Greenway Plaza, Suite 1600  
Houston, Texas 77046  
(713) 561-6374  
FAX (713) 561-6380

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.

DECLARATION SIGNATURE SHEET

June 26, 2002

Date

Citizenship: USA

Rama Akella

Inventor's Signature

Rama Akella

Residence: 8811 Splitarrow Drive  
Austin, Texas 78717

Date

Citizenship: USA

Inventor's Signature

John Ranieri

Residence: 156 Westminster Drive  
Atlanta, Georgia 30309

Docket No.: SBI-091

FORM PTO-1595 (Modified)  
(Rev. 03-01)  
OMB No. 0651-0027 (exp. 5/31/2002)  
P08A/REV03



## RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

## PATENTS ONLY

Tab settings → → → ↓

↓ ↓ ↓

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):  Rama Akella John Ranieri		2. Name and address of receiving party(ies):  Name: <u>Sulzer Biologics Inc.</u>  Address: <u>12024 Vista Parke Drive</u>	
Additional names(s) of conveying party(ies) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Nature of conveyance:  <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____		City: <u>Austin</u> State/Prov.: <u>TX</u> Country: <u>USA</u> ZIP: <u>78726</u>	
Execution Date: <u>6/26/2002</u>		Additional name(s) & address(es) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
4. Application number(s) or patent numbers(s):  If this document is being filed together with a new application, the execution date of the application is: _____			
Patent Application No.	Filing date	B. Patent No. (s)	
<u>10/027,015</u>	<u>12/21/2001</u>		
Additional numbers		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Name and address of party to whom correspondence concerning document should be mailed:  Name: <u>Timothy L. Scott</u>  Registration No. <u>37,931</u>  Address: <u>CENTERPULSE USA INC.</u>  <u>3 East Greenway Plaza, Suite 1600</u>		6. Total number of applications and patents involved: <u>1</u>	
City: <u>Houston</u> State/Prov.: <u>TX</u> Country: <u>USA</u> ZIP: <u>77046</u>		7. Total fee (37 CFR 3.41): ..... \$ <u>40.00</u>  <input type="checkbox"/> Enclosed - Any excess or insufficiency should be credited or debited to deposit account <input checked="" type="checkbox"/> Authorized to be charged to deposit account	
8. Deposit account number:  <u>09-0473</u>  (Attach duplicate copy of this page if paying by deposit account)			

DO NOT USE THIS SPACE

## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Timothy L. Scott

Name of Person Signing

Signature

July 2, 2002

Date

Total number of pages including cover sheet, attachments, and

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

## A S S I G N M E N T

In consideration of our technology purchase agreement(s) or employee agreement(s) with SULZER BIOLOGICS INC., and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Rama Akella, resident of Austin, Texas, and John Ranieri, resident of Atlanta, Georgia, hereby severally assign, transfer, and deliver to SULZER BIOLOGICS INC., a New Jersey corporation, having offices at Austin, Texas, U.S.A., its successors and assigns (collectively referred to as "SULZER BIOLOGICS"), the entire right, title and interest throughout the world to and in our invention COMPOSITIONS AND METHODS FOR PROMOTING MYOCARDIAL AND PERIPHERAL ANGIOGENESIS, (Attorney Docket #SBI-091), the application for United States patent on the invention signed on 5/31/02 as well as all continuations and divisions of that application, and all patents granted on that and any other application(s) on the invention(s) in the United States and elsewhere, together with the exclusive right to make application for patents and similar protection, reissues, renewals and extensions on the invention(s) in the U.S. and foreign countries, and we hereby request the U.S. Commissioner of Patents and Trademarks and the corresponding official(s) having the authority to issue patents in any foreign country(ies) to issue patents on the invention(s) to SULZER BIOLOGICS. We confirm that we have not made any agreement in conflict with this Assignment. We promise and agree that we will promptly sign and deliver such other documents, provide such evidence and other information within our knowledge or belief, and do all other relevant things that SULZER BIOLOGICS may reasonably deem necessary or desirable and request of us in connection with obtaining or maintaining any of the patents, or in connection with any proceeding, controversy or litigation pertaining to any of the applications or patents, or in order to perfect, protect or enforce SULZER BIOLOGICS ownership of the right, title and interest conveyed by this Assignment, or in connection with any other matter relating to or arising out of this Assignment, and that we will do all of these things without need for further payment of money or other consideration to ourselves on the understanding

03-JUN-02 18:25  
MAY 30, 2002 1:28PM

SOPHIE RICARD  
LEGAL DEPARTMENT

00390584791499

NO. 305

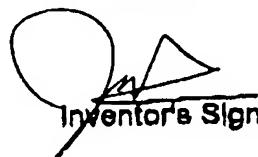
PAGINA: 4  
P. 11/13

that SULZER BIOLOGICS will bear all reasonable expenses actually incurred for or in connection with such matters. This Assignment and the obligations we have assumed by signing this document shall be binding on our respective legal representatives.

\_\_\_\_\_  
Date

Inventor's Signature

Rama Akella



Inventor's Signature

John Ranieri

5/31/02  
\_\_\_\_\_  
Date

## ASSIGNMENT

In consideration of our technology purchase agreement(s) or employee agreement(s) with SULZER BIOLOGICS INC., and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Rama Akella, resident of Austin, Texas, and John Ranieri, resident of Atlanta, Georgia, hereby severally assign, transfer, and deliver to SULZER BIOLOGICS INC., a New Jersey corporation, having offices at Austin, Texas, U.S.A., its successors and assigns (collectively referred to as "SULZER BIOLOGICS"), the entire right, title and interest throughout the world to and in our invention COMPOSITIONS AND METHODS FOR PROMOTING MYOCARDIAL AND PERIPHERAL ANGIOGENESIS, (Attorney Docket #SBI-091), the application for United States patent on the invention signed on 6/26/02 as well as all continuations and divisions of that application, and all patents granted on that and any other application(s) on the invention(s) in the United States and elsewhere, together with the exclusive right to make application for patents and similar protection, reissues, renewals and extensions on the invention(s) in the U.S. and foreign countries, and we hereby request the U.S. Commissioner of Patents and Trademarks and the corresponding official(s) having the authority to issue patents in any foreign country(ies) to issue patents on the invention(s) to SULZER BIOLOGICS. We confirm that we have not made any agreement in conflict with this Assignment. We promise and agree that we will promptly sign and deliver such other documents, provide such evidence and other information within our knowledge or belief, and do all other relevant things that SULZER BIOLOGICS may reasonably deem necessary or desirable and request of us in connection with obtaining or maintaining any of the patents, or in connection with any proceeding, controversy or litigation pertaining to any of the applications or patents, or in order to perfect, protect or enforce SULZER BIOLOGICS ownership of the right, title and interest conveyed by this Assignment, or in connection with any other matter relating to or arising out of this Assignment, and that we will do all of these things without need for further payment of money or other consideration to ourselves on the understanding

that **SULZER BIOLOGICS** will bear all reasonable expenses actually incurred for or in connection with such matters. This Assignment and the obligations we have assumed by signing this document shall be binding on our respective legal representatives.

6/26/02  
Date

Rama Akella  
Inventor's Signature

Rama Akella

\_\_\_\_\_  
Date

\_\_\_\_\_  
Inventor's Signature

John Ranieri